

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 2586-01
BILL NO.: HB 1920
SUBJECT: Creates an Affirmative Duty to Stop Serious Harm to a Child
TYPE: Original
DATE: February 24, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	Less than(\$100,000)	Less than (\$100,000)	Less than (\$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	Less than (\$100,000)	Less than (\$100,000)	Less than (\$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services** and **Office of State Courts Administrator** assume that this proposal will not fiscally affect their agencies.

Officials from the **Office of Prosecution Services** stated that this proposal could result in unknown costs to the local prosecuting attorneys. **Oversight** assumes that since the Office of State Public Defender estimates that they will only represent 5 to 10 indigent persons charged with these crimes, the local prosecuting attorneys will not require additional resources to prosecute the persons accused of the crimes noted in this proposal.

Officials from the **Office of State Public Defender (SPD)** stated for the purpose of this proposal, the SPD has assumed existing staff could provide representation for those 5 to 10 cases arising where indigent persons were charged with failure to prevent or failure to report the sexual abuses or serious injury to a child. However, passage of more than one similar proposal would require the SPD to request increased appropriations to cover cumulative costs of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** have not responded to Oversight's request for fiscal information nor have they provided a ten-year prison impact statement as required by Section 217.022 RSMo. However, **Oversight** assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC, although unknown, would not be expected to exceed \$100,000 annually.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** did not respond to our request for fiscal impact. **Oversight** assumes the MHP could absorb any additional duties imposed by this proposal with existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Costs - Department of Corrections</u>	Less than	Less than	Less than
Increased Prison or Probation Costs	<u>(\$100,000)</u>	<u>(\$100,000)</u>	<u>(\$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>Less than (\$100,000)</u>	<u>Less than (\$100,000)</u>	<u>Less than (\$100,000)</u>

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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal makes it illegal to knowingly allow another to commit certain criminal acts against children less than 17 years old, including sexual offenses and serious physical or emotional injury. To be convicted, the person must be in a position of responsibility over the child, have actual knowledge of the acts, and fail to take action and report the harm to law enforcement.

The penalty for this crime is equal to that which is charged for committing the acts, with the limitation that imprisonment not exceed 15 years. A belief that more serious harm will result is a defense in failing to report or stop the criminal acts.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Social Services
Office of Prosecution Services
Office of State Public Defender
Office of State Courts Administrator

**NOT RESPONDING: Department of Public Safety - Missouri Highway Patrol and
Department of Corrections**



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Director
February 24, 2000

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